

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

FEBRUARY 16, 2001

IN RE:)	
)	
APPLICATION OF MEMPHIS NETWORKX, LLC,)	
FOR A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO PROVIDE)	
INTRASTATE TELECOMMUNICATION)	
SERVICES AND JOINT PETITION OF MEMPHIS)	DOCKET NO. 99-00909
LIGHT GAS & WATER DIVISION, A DIVISION)	
OF THE CITY OF MEMPHIS, TENNESSEE)	
("MLGW") AND A&L NETWORKS-TENNESSEE,)	
LLC ("A&L"), FOR APPROVAL OF AGREEMENT)	
BETWEEN MLGW AND A&L REGARDING JOINT)	
OWNERSHIP OF MEMPHIS NETWORKX, LLC.)	

ORDER DIRECTING SUPPLEMENTAL FILINGS

This matter is before the Pre-Hearing Officer for consideration of the *Applicant and Joint Petitioners' Objections and Initial Responses to the Data Requests of the Tennessee Cable Telecommunications Association, Time Warner Communications, and Time Warner Telecom of the Mid-South, L.P.* filed by Memphis Networkx, LLC ("Applicant") and Memphis Light Gas & Water, a division of the city of Memphis, Tennessee and Memphis Broadband, LLC (collectively "Joint Petitioners") on February 12, 2001 and the *Motion to Compel Responses to Data Requests Submitted by Tennessee Cable Telecommunications Association and Time Warner Telecom, Inc.* filed by Tennessee Cable Telecommunications Association and Time Warner Telecom, Inc. (collectively "Movants") on February 15, 2001.

Upon review of the above filings, the Pre-Hearing Officer finds that the filings are incomplete and require supplementation. Specifically, Applicant and Joint Petitioners

determined to categorize their objections to the data requests by asserting six (6) general objections and then referencing the number of the pertinent objection to the individual request. Objection Number 1 is referred to as “beyond the scope” and contains six (6) subparts. In applying the general objections to the individual data requests, the Applicant and Joint Petitioners failed to state which specific subpart of Objection Number 1 was being raised to each data request.

Additionally, Movants contend that the Pre-Hearing Officer should overrule certain objections asserted by the Applicant and Joint Petitioners against requests that merely seek to have the Applicant and Joint Petitioners update information provided by them in response to previous data requests. The Pre-Hearing Officer is unable to evaluate this part of the Motion to Compel without the Movants first identifying the date and number of the earlier data request to which the current request seeks updated information.


IT IS THEREFORE ORDERED THAT:

1) Memphis Networx, LLC, Memphis Light Gas & Water, a division of the city of Memphis, Tennessee, and Memphis Broadband, LLC shall supplement the *Applicant and Joint Petitioners’ Objections and Initial Responses to the Data Requests of the Tennessee Cable Telecommunications Association, Time Warner Communications, and Time Warner Telecom of the Mid-South, L.P.* by providing in each instance where the parties rely on Objection Number 1 the applicable subpart of Objection Number 1.

2) Tennessee Cable Telecommunications Association and Time Warner Telecom, Inc. shall supplement their *Motion to Compel Responses to Data Requests Submitted by Tennessee Cable Telecommunications Association and Time Warner*


Telecom, Inc. by supplying the date and number of the earlier data request to which the current request seeks updated information.

3) The supplemental filings of the parties shall address only the deficiencies set out in this Order and shall not contain any additional arguments. All supplemental filings must be filed with the Authority not later than **2:00 p.m. on Wednesday, February 21, 2001.**



J. Richard Collier Acting As
Pre-Hearing Officer

ATTEST:



K. David Waddell, Executive Secretary